

**Remarks**

After entry of this amendment, claims 1-35 are canceled without prejudice or disclaimer. Applicants reserve the right to pursue the canceled subject matter in a continuation application. New claims 36-46 are pending in the application. Support for new claims 36-46 can be found throughout the specification, for example, in the examples, at pages 8-13 and in original claims 1-29. No new matter has been added by way of this amendment.

Claims 9-12 are rejected under 35 U.S.C. §112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The Examiner states that "further comprising a selectable marker" renders the claim and those claims dependent therefrom. Applicants have canceled these claims and replaced them with new claims 36-46, which do not recite the objected to language.

Claims 1, 5-22, 26 and 30-34 are rejected under 35 U.S.C. §112, first paragraph, as allegedly containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors, at the time the application was filed, had possession of the claimed invention.

Applicants respectfully disagree, but have canceled the pending claims and inserted new claims 36-46. Accordingly, this rejection is believed to be obviated.

Claims 1, 5-22, 26, and 30-34 are rejected under 35 U.S.C. §112, first paragraph, because the specification allegedly does not reasonably provide enablement for a *Flavobacterium heparinum* transformed with any expression vector.

Applicants respectfully disagree with the Examiner, but have canceled the pending claims. Applicants have added new claims 36-46, which is believed to obviate the rejection. Withdrawal of the rejection is respectfully requested.

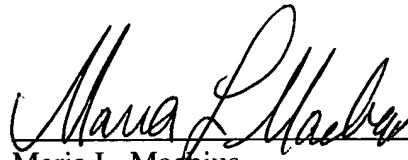
Claims 1, 5-11, 13-21, 26 and 30-34 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Zimmerman et al. and McBride et al.

Applicants respectfully disagree. However, the rejected claims were canceled and claims 36-46 have been added. It is believed that these new claims obviate the instant rejection.

### **CONCLUSION**

In view of the foregoing remarks, Applicants believe that the application is in condition for allowance. However, if the Examiner disagrees, he is encouraged to call the undersigned at the number listed below in order to expedite the prosecution of this application.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Maria L. Macbius", written over a horizontal line.

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Date: 23 June 2004  
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